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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,739	01/21/2000	David Andrew D'Zmura		6203

7590 01/04/2006
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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,739

Applicant(s)

D'ZMURA, DAVID ANDREW

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 64-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 52-61 have been canceled and claims 64-76 are newly added.

Claim Objections

2. Claims 64, 65, 67-69 and 76 are objected to because of the following informalities:

As per claim 64, line 3, the Examiner suggests deleting the word "wherein". On line 4, "an" should be changed to - -a- -. On line 13, "wherein comprising" should be deleted.

As per claim 65, the phrase " , for utilizing said method on calculating and computational devices, " should be deleted.

As per claim 67, lines 1-2, " ,for utilization said method on calculating and computational devices, " should be deleted.

As per claim 68, lines 1-2, " ,for utilization said method on calculating and computational devices, " should be deleted.

As per claim 69, lines 1-2, " ,for utilization said method on calculating and computational devices, " should be deleted.

As per claim 76, line 8, the examiner suggests inserting - -for- - before "calculating". On lines 16, 17, 40, the examiner also suggests inserting - -for- - after "means".

These changes are suggested by the Examiner for better reading purposes.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 64-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 64, lines 1-2, "the endogenous variables" lack clear antecedent basis. On line 12, "the singular yield" lacks clear antecedent basis. On lines 14-17, what is "all issues" ? On line 24, "its" renders the claim vague and indefinite.

As per claim 66, line 3, what is a precise non-summation for discounting cash receipts?. On line 5, "the relation of price" lacks clear antecedent basis. On line 9, "the relation of Change" lacks clear antecedent basis. On lines 9-10, what is "a precise first derivative" ?

As per claim 70, line 1, "the endogenous variables" lack clear antecedent basis. On line 4, "the data values" lack antecedent basis. The example " e.g. " renders the claims vague and indefinite. On lines 29-30 and lines 34-35, what is "all issues" ?. On line 46, "its" renders the claim vague and indefinite. On line 47, what are "the functions" ? Also on line 47, what is "all issues" ? On line 50, "the security's pricing securities" lack clear antecedent basis. On line 54, "the first derivative of summed discounted cash receipts" lacks clear antecedent basis. On lines 66-67 what is the "second term of a Taylor series" ?

As per claim 71, lines 6-7, what are "all issues" ? what does it mean by "wherein Yield M as coded computational processing algorithm " ? On lines 11 and 12, what are "all issues" ? On line 24, what are "the functions" ?

As per claim 74, line 7, "the portfolio coefficients " lack clear antecedent basis. On lines 10 and 12-26, what are "all issues" ?

As per claim 75, lines 2-3, "the spot forward curve" lacks clear antecedent basis.

On lines 4-5, and lines 9-10, what are "all issues" ?

Claims not directly addressed are rejected based on their dependency.

The applicant is advised to review the instant claims for any possible deficiencies related to 35 USC 112, second paragraph. The applicant is requested to make all necessary amendments correcting all noted and other possible deficiencies so as to avoid vague, indefinite and lack of antecedent problems.

4. Claims 64-76 are allowable over the art of record.

5. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
December 21, 2005